

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:17-cv-09492-DLC**

Natural Resources Defense Council, Inc. v. United States
Environmental Protection Agency
Assigned to: Judge Denise L. Cote
Cause: 05:552 Freedom of Information Act

Date Filed: 12/04/2017
Date Terminated: 12/11/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**Natural Resources Defense Council,
Inc.**

represented by **Nancy Sharman Marks**
Natural Resources Defense Council, Inc.
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New York, NY 10011
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ATTORNEY TO BE NOTICED

Mitchell S. Bernard
Natural Resources Defense Council, Inc.
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Email: mbernard@nrdc.org
ATTORNEY TO BE NOTICED

V.

Defendant

**United States Environmental
Protection Agency**

represented by **Christine Schessler Poscablo**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/04/2017	<u>1</u>	COMPLAINT against United States Environmental Protection Agency. (Filing Fee \$ 400.00, Receipt Number 0208-14432906) Document filed by Natural Resources Defense Council, Inc.. (Bernard, Mitchell) (Entered: 12/04/2017)
12/04/2017	<u>2</u>	CIVIL COVER SHEET filed. (Bernard, Mitchell) (Entered: 12/04/2017)
12/04/2017	<u>3</u>	FILING ERROR - DEFICIENT PLEADING - FILED AGAINST PARTY ERROR -REQUEST FOR ISSUANCE OF SUMMONS as to United States Environmental Protection Agency, re: <u>1</u> Complaint. Document filed by Natural Resources Defense Council, Inc.. (Bernard, Mitchell) Modified on 12/5/2017 (pc). (Entered: 12/04/2017)
12/04/2017	<u>4</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Natural Resources Defense Council, Inc.. (Bernard, Mitchell) (Entered: 12/04/2017)

12/05/2017		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Mitchell S. Bernard. The party information for the following party/parties has been modified: Natural Resources Defense Council, Inc. and United States Environmental Protection Agency. The information for the party/parties has been modified for the following reason/reasons: party role was entered incorrectly. (pc) (Entered: 12/05/2017)
12/05/2017		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge Denise L. Cote. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (pc) (Entered: 12/05/2017)
12/05/2017		Magistrate Judge Stewart A. Aaron is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (pc) (Entered: 12/05/2017)
12/05/2017		Case Designated ECF. (pc) (Entered: 12/05/2017)
12/05/2017		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Mitchell S. Bernard to RE–FILE Document No. <u>3</u> Request for Issuance of Summons,. The filing is deficient for the following reason(s): Party name on the summons must exactly match what is listed on the complaint caption title. Re–file the document using the event type Request for Issuance of Summons found under the event list Service of Process – select the correct filer/filers – and attach the correct summons form PDF. (pc) (Entered: 12/05/2017)
12/05/2017	<u>5</u>	REQUEST FOR ISSUANCE OF SUMMONS as to United States Environmental Protection Agency, re: <u>1</u> Complaint. Document filed by Natural Resources Defense Council, Inc.. (Bernard, Mitchell) (Entered: 12/05/2017)
12/06/2017	<u>6</u>	ELECTRONIC SUMMONS ISSUED as to United States Environmental Protection Agency. (vf) (Entered: 12/06/2017)
12/07/2017	<u>7</u>	NOTICE OF INITIAL PRETRIAL CONFERENCE (Notice): Initial Conference set for 3/2/2018 at 11:30 AM in Courtroom 15B, 500 Pearl Street, New York, NY 10007 before Judge Denise L. Cote.–Please follow the procedures set forth in the Notice. (Signed by Judge Denise L. Cote on 12/7/2017) (gr) (Entered: 12/07/2017)
01/03/2018	<u>8</u>	NOTICE OF APPEARANCE by Christine Schessler Poscablo on behalf of United States Environmental Protection Agency. (Poscablo, Christine) (Entered: 01/03/2018)
01/16/2018	<u>9</u>	ANSWER to <u>1</u> Complaint. Document filed by United States Environmental Protection Agency.(Poscablo, Christine) (Entered: 01/16/2018)
02/06/2018	<u>10</u>	AFFIDAVIT OF SERVICE. All Defendants. Service was made by Mail. Document filed by Natural Resources Defense Council, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Bernard, Mitchell) (Entered: 02/06/2018)
03/02/2018		Minute Entry for proceedings held before Judge Denise L. Cote: Initial Pretrial Conference held on 3/2/2018. (gr) (Entered: 03/02/2018)
03/16/2018	<u>11</u>	LETTER addressed to Judge Denise L. Cote from Christine S. Poscablo dated March 16, 2018 re: Proposed Schedule for Processing FOIA Request and Summary Judgment Briefing and Request for Permission to Submit a Further Proposed Schedule for Processing FOIA Request on or before March 29, 2018. Document filed by United States Environmental Protection Agency.(Poscablo, Christine) (Entered: 03/16/2018)
03/23/2018	<u>12</u>	MEMO ENDORSED LETTER addressed to Judge Cote from Christine S. Poscablo dated March 16, 2018 re: Proposed Schedule for Processing FOIA Request and Summary Judgment Briefing and Request for Permission to Submit a Further Proposed Schedule for Processing FOIA Request on or before March 29, 2018. So Ordered. (Signed by Judge Denise L. Cote on 3/23/2018) (gr) (Entered: 03/23/2018)

03/29/2018	<u>13</u>	LETTER addressed to Judge Denise L. Cote from Christine S. Poscablo dated March 29, 2018 re: Proposed Schedule for Processing FOIA Request. Document filed by United States Environmental Protection Agency.(Poscablo, Christine) (Entered: 03/29/2018)
03/30/2018	<u>14</u>	ENDORSED LETTER addressed to Judge Denise L. Cote from Christine S. Poscablo dated March 29, 2018 re: Proposed Schedule for Processing FOIA Request: 6/15/2018: Interim production of priority documents; 7/16/2018: Final production of priority documents; 8/15/2018: Interim productions of remaining documents; 9/16/2018: Final production of remaining documents.... ENDORSEMENT: So Ordered. (Signed by Judge Denise L. Cote on 3/29/2018) (gr) (Entered: 03/30/2018)
08/21/2018	<u>15</u>	NOTICE OF APPEARANCE by Nancy Sharman Marks on behalf of Natural Resources Defense Council, Inc.. (Marks, Nancy) (Entered: 08/21/2018)
10/11/2018	<u>16</u>	LETTER addressed to Judge Denise L. Cote from Christine S. Poscablo dated October 11, 2018 re: Request to Vacate Briefing Schedule and Permit Parties to Submit Settlement Agreement or Status Update by December 10, 2018. Document filed by United States Environmental Protection Agency.(Poscablo, Christine) (Entered: 10/11/2018)
10/16/2018	<u>17</u>	ENDORSED LETTER addressed to Judge Denise L. Cote Request to Vacate Briefing Schedule and Permit Parties to Submit Settlement Agreement or Status Update by December 10, 2018. ENDORSEMENT: Granted. (Signed by Judge Denise L. Cote on 10/15/2018) (gr) (Entered: 10/16/2018)
12/10/2018	<u>18</u>	PROPOSED STIPULATION AND ORDER. Document filed by Natural Resources Defense Council, Inc.. (Marks, Nancy) (Entered: 12/10/2018)
12/11/2018	<u>19</u>	STIPULATION AND ORDER.....NOW, THEREFORE, the parties hereby stipulate and agree as follows: 1. As soon as reasonably practicable after the Court has approved and docketed this Stipulation, the Government shall pay to NRDC the sum of three thousand five hundred dollars (\$3,500.00) for attorney's fees and litigation costs. This payment shall constitute full and final satisfaction of any and all claims by NRDC for attorney's fees and litigation costs in this matter, and is inclusive of any interest. Payment shall be made by electronic funds transfer, and counsel for NRDC will provide the necessary information for the Government to effectuate the transfer. 2. Any obligation of the Government to expend funds under this Stipulation is subject to the availability of appropriations in accordance with the Anti-Deficiency Act, 31 U.S.C. § 1341. This Stipulation shall not be construed to require the Government to obligate or pay funds in contravention of the Anti-Deficiency Act. 3. This Stipulation constitutes the full and complete satisfaction of any and all claims on behalf of NRDC arising from (a) the allegations set forth in the complaint filed in this lawsuit and (b) any litigation or administrative proceeding that NRDC has brought or could have brought against the Government regarding NRDC's claims in this case, including all claims for attorney's fees and costs. Any and all remaining issues in this litigation are waived by all parties. 4. Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, this action is hereby dismissed with prejudice and without costs or fees other than as provided in paragraph 1 of this Stipulation, provided that the Court shall retain jurisdiction over any issues that might arise relating to the enforcement of this Stipulation. 5. This Stipulation does not constitute an admission of liability or fault on the part of the Government and is entered into by both parties for the sole purpose of compromising disputed claims and avoiding the expenses and risks of further litigation. 6. This Stipulation contains the entire agreement between the parties, and no statement, representation, promise, or agreement, oral or otherwise, between the parties or their counsel that is not included herein shall have any force or effect..... In the event that the Court declines to approve this Stipulation, it shall be null and void, with no force or effect. (Signed by Judge Denise L. Cote on 12/10/2018) (gr) (Entered: 12/11/2018)